HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 10433 of 2007

Dated: 22-10-2007

Between:

Sanga Pochaiah and 2 others.

..... PETITIC

AND

The Special Collector,
Tarnaka, Hyderabad and 6 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 10433 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to direct respondent No.2 to refer the matter of apportionment of compensation in respect of Ac.7.13 ½ guntas in Sy.No. 196/A to civil Court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act').

There is a dispute regarding ownership of the land under acquisition between the petitioners on one side and respondents 3 to 7 on the other. The petitioners were served with notice dated 20-03-2007 under Sections 9(3) and 10 of the Act. A similar notice was also given to respondents 3 to 7 by respondent No.2. Both parties have filed their claims before respondent No.2 and it is an admitted fact that award is yet to be made. At this stage, the petitioners filed the present writ petition claiming the relief as afore mentioned.

Heard Sri A.Ravinder, learned counsel for the petitioners, the learned Assistant Government Pleader for respondents 1 and 2 and Sri A.Narasimha Rao, learned counsel for respondents 3 to 7.

It is an admitted fact that so far no award has been made under Section 11 of the Act. Under Section 30 of the Act, when the amount of compensation has been settled under Section 11 of the Act, if any dispute arises as regards the apportionment of the amount of compensation or where a dispute arises as to persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

It is, therefore, clear from the aforementioned provision that the stage for reference of a dispute under Section 30 of the Act would arise only after passing of the award under Section 11 of the Act. In view of the fact that the award has not so far been made, the claim for the petitioners made in the present writ petition for reference of dispute as to the apportionment of compensation is wholly misconceived, as it is premature.

Learned Assistant Government Pleader stated that respondent No.2 is considering the rival claims put forth by the petitioners as well as respondents 3 to 7 and that on such consideration, award will be made. She, therefore,

stated that since rival claims are made, respondent No.2 would invoke the provisions of Section 30 of the Act and make a reference after the award is passed.

In view of the above, the writ petition is disposed of. As stated by the learned Assistant Government Pleader, respondent No.2 shall consider the rival claims and take a decision in accordance with law. No costs.

C.V.NAGARJUNA REDDY,J

Date: 22-10-2007
KLP